



California Fair Political Practices Commission

May 19, 1987

Thomas M. Bogetich
Executive Director
California State Council
on Vocational Education
501 "S" Street, Suite Two
Sacramento, CA 95814-6909

Re: Your Request for Advice
Our File No. I-87-126

Dear Mr. Bogetich:

On April 20, 1987, you wrote to Chairman Larson seeking advice under the Political Reform Act.^{1/} Your letter has been referred to the Commission's Legal Division for response.

You have asked what the appropriate procedure is to amend a conflict of interest code. You have indicated the need to correct the title of the agency and to add the assistant director position to the list of designated employees.

Conflict of interest codes for state agencies are administrative regulations and as such their preparation and review are subject to the Administrative Procedure Act. There is one difference. With other types of regulations, agencies are required to submit rulemaking files to the Office of Administrative Law (OAL) for review and approval. With codes, however, review and approval lies with the Fair Political Practices Commission. OAL merely reviews for procedural compliance.

Basically, the process is for your agency to prepare the proposed amendments to the code in strikeout-underscore format (i.e., proposed additions are shown in underscore, proposed deletions in strikeout form). Your agency then prepares a notice of intent to amend your code, along with a statement of reasons for the amendments and the proposed text of your code. The notice and its attachments are filed with OAL for publication in the California Administrative Register. The notice must

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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be filed with OAL and served on each affected employee at least 45 days prior to adoption. The purpose of the notice period is to allow comments to be received from interested persons and for areas of controversy to be resolved.

At the end of the 45-day comment period, your agency must submit the amendments to the Fair Political Practices Commission for approval. When the code is submitted for approval, certain supporting documentation is required to be forwarded as well. We, too, are required to notice the code through OAL for a 45-day comment period. After the written comment period, the code is approved by the Commission and returned to you for filing with OAL.

I realize that this procedure is lengthy and complicated. The law guarantees that those persons affected by the code have ample opportunity to express their concerns and resolve any areas of controversy. The process is the same for complicated amendments as it is for the simple amendments you are trying to accomplish. The exact step-by-step procedure is described in Commission Regulation 18750 (copy enclosed).

There is an option available to you. You may defer the lengthy amendment process to the end of the year and request our executive director to grant you interim approval to make certain changes to your code on a temporary basis. You would then have until January 31, 1988, to make the changes permanent in your code. By requesting interim approval, you could at least get the assistant director's position into the code and obtain a financial disclosure statement from that person. The agency's title cannot be amended this way since the interim approval process does not involve OAL.

Once you have reviewed Regulation 18750 (the procedure to adopt or amend a code) and Regulation 18752 (the manner to request interim approval), please feel free to contact me at (916) 322-5901 if you have any questions.

Very truly yours,

Diane M. Griffiths
General Counsel

By: Jeanette E. Turvill
Legal Assistant, Legal Division

JET:km
Enclosures

CALIFORNIA STATE COUNCIL ON VOCATIONAL EDUCATION

501 S STREET, SUITE TWO
SACRAMENTO, CA 95814-6909
(916) 445-0698



APR 22 10 06 AM '87

APRIL 20, 1987

JOHN H. LARSON, CHAIRMAN
FAIR POLITICAL PRACTICES COMMISSION
428 J STREET, SUITE 800
SACRAMENTO, CA 95814

DEAR MR. LARSON:

THE CALIFORNIA STATE COUNCIL ON VOCATIONAL EDUCATION WILL NEED TO AMEND ITS CONFLICT OF INTEREST CODE, NAMELY:

1. CHANGE THE NAME OF THE AGENCY SO THAT IT IS CURRENT WITH STATE STATUTES: CALIFORNIA ADVISORY COUNCIL ON VOCATIONAL EDUCATION TO **CALIFORNIA STATE COUNCIL ON VOCATIONAL EDUCATION.**
2. ADD A. CHRISTINE WILLIS, ASSISTANT DIRECTOR, AS A DESIGNATED EMPLOYEE.

PLEASE ADVISE ME REGARDING THE APPROPRIATE PROCEDURE TO MAKE THIS NEEDED CHANGE, AND SEND AN UPDATED HANDBOOK.

THANK YOU.

SINCERELY,

A handwritten signature in cursive script that reads 'Thomas M. Bogetich'.

THOMAS M. BOGETICH
EXECUTIVE DIRECTOR



California Fair Political Practices Commission

April 23, 1987

Thomas M. Bogetich
Executive Director
California State Council
on Vocational Education
501 S Street, Suite Two
Sacramento, CA 95814-6909

Re: 87-126

Dear Mr. Bogetich:

Your letter requesting advice under the Political Reform Act was received on April 22, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette Turvill in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).) You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh